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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,433	04/16/2004	G. Glenn Henry	CNTR.2076	9849
23669 7590 05/29/2007 HUFFMAN LAW GROUP, P.C. 1900 MESA AVE. COLORADO SPRINGS, CO 80906			EXAMINER ZEE, EDWARD	
			ART UNIT 2109	PAPER NUMBER
			NOTIFICATION DATE 05/29/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@HUFFMANLAW.NET

**Office Action Summary**

Application No.

10/826,433

Applicant(s)

HENRY ET AL.

Examiner

Edward Zee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/16/04, 4/16/05, 9/25/05, 3/11/06, 3/18/06, 6/4/06, 6/5/06, 7/25/06, 9/30/06, 11/3/06, 1/25/07, 3/19/07, 3/26/07, 4/10/07, 4/11/07, 5/2/07.

## **DETAILED ACTION**

1. This action is in response to the original filing of April 16<sup>th</sup>, 2004. Claims 1-31 are pending and have been considered below.

### ***Information Disclosure Statement***

2. The information disclosure statements filed on 04/16/04 and 07/25/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (ie. IEEE, RSA, USB, etc.) throughout the specification without first including a description in plain text as required.
4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
5. The use of the trademark Linux® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

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Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

### ***Claim Objections***

6. Claims 9, 24 and 31 are objected to because of the following informalities: the examiner notes the use of acronym "x86" in the claims without first including a description in plain text as required. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes that it is unclear what "a number blocks" means. It appears that the applicant is attempting to claim, indicating "a number of blocks", and will interpret the claim in this manner.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-8, 10-12, 14-23 and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Yup et al. (2002/0191784).

*Claim 1:* Yup et al. discloses an apparatus for performing cryptographic operations, comprising:

a. a cryptographic instruction, received by a computing device as part of an instruction flow executing on said computing device, wherein said cryptographic instruction prescribes one of the cryptographic operations, and wherein said cryptographic instruction prescribes one of a plurality of data block sizes(*AES block cipher can be performed on 128-bit, 192-bit or 256-bit blocks*) [page 4, paragraph 0045];

b. and execution logic, operatively coupled to said cryptographic instruction, configured to execute said one of the cryptographic operations, said execution logic comprising a block size controller(*key expansion block*), configured to employ said one of a plurality of data block sizes during execution of said one of the cryptographic operations [page 3, paragraph 0028].

*Claim 2:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said one of the cryptographic operations further comprises an encryption operation, said encryption operation comprising encryption of a plurality of plaintext blocks(*plurality of channels with input means*) to generate a corresponding plurality of ciphertext blocks(*plurality of channels with output means*) [page 2, paragraph 0017].

*Claim 3:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said one of the cryptographic operations further comprises a decryption operation, said decryption

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operation comprising decryption of a plurality of ciphertext blocks(*plurality of channels with input means*) to generate a corresponding plurality of plaintext blocks(*plurality of channels with output means*) [page 2, paragraph 0017].

*Claims 4-6:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said one of a plurality of data block sizes comprises 128 bits, 192 bits or 256 bits [page 4, paragraph 0045].

*Claim 7:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said one of the cryptographic operations is executed according to the Advanced Encryption Standard (AES) algorithm [page 2, paragraph 0016].

*Claim 8:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said data block controller(*key expansion block*) is configured to interpret a data block size field(*nb = block size*) within a control word which is referenced by said cryptographic instruction (*the key expansion block generates a single round key by performing a single key expansion operation for each round of the AES block cipher*) [page 3, paragraph 0028].

*Claims 10-12:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said cryptographic instruction implicitly references a plurality of registers within said computing device, which include a first register, wherein contents of said first register(*plaintext storage registers*) comprise a first pointer to a first memory address, said first memory address specifying a first location in memory for access of a plurality of input text blocks upon which said one of the cryptographic operations is to be accomplished, said plurality of input text blocks are sized according to said one of a plurality of data block sizes [page 4, paragraph 0043]; and a second register(*cipher block output storage register*), wherein contents of said second register

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comprise a second pointer to a second memory address, said second memory address specifying a second location in said memory for storage of a corresponding plurality of output text blocks, said corresponding plurality of output text blocks being generated as a result of accomplishing said one of the cryptographic operations upon a plurality of input text blocks, wherein said plurality of input and output text blocks are sized according to said one of a plurality of data block sizes [page 4, paragraphs 0043-0044].

*Claim 14:* Yup et al. discloses an apparatus as in claim 10 above and further discloses that said plurality of registers comprises a fourth register(*cipher key storage register*), wherein contents of said fourth register comprise a third pointer to a third memory address, said third memory address specifying a third location in memory for access of cryptographic key data for use in accomplishing said one of the cryptographic operations [page 3, paragraph 0028].

*Claim 15:* Yup et al. discloses an apparatus as in claim 10 above and further discloses that said plurality of registers comprises a fifth register, wherein contents of said fifth register comprise a fourth pointer to a fourth memory address, said fourth memory address specifying a fourth location in memory, said fourth location comprising said initialization vector location, contents of said initialization vector location comprising an initialization vector or initialization vector equivalent for use in accomplishing said one of the cryptographic operations [page 3, paragraph 0027]. The examiner notes that Yup et al. discloses operating the apparatus in CBC mode, which implies the use of initialization vectors. Thus, it is inherent for the initialization vectors to be stored in memory.

*Claim 16:* Yup et al. discloses an apparatus as in claim 8 above and further discloses that said plurality of registers comprises a sixth register, wherein contents of said sixth register comprise a



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fifth pointer to a fifth memory address, said fifth memory address specifying a fifth location in memory for access of a control word for use in accomplishing said one of the cryptographic operations, wherein said control word prescribes cryptographic parameters for said one of the cryptographic operations, and wherein said control word comprises a data block size field(*nb = block size*), configured to specify said one of a plurality of data block sizes to be employed during execution of said one of the cryptographic operations(*the key expansion block generates a single round key by performing a single key expansion operation for each round of the AES block cipher*) [page 3, paragraph 0028]. The examiner notes that it is inherent for the control word to be stored in memory because the key expansion block uses it for generating a round key.

*Claim 17:* Yup et al. discloses an apparatus as in claim 1 above and further discloses that said execution logic comprises a cryptography unit, configured execute a plurality of cryptographic rounds on each of a plurality of input text blocks to generate a corresponding each of a plurality of output text blocks, wherein said one of a plurality of data block sizes is prescribed by a control word that is provided to said block size controller within said cryptography unit [page 1, paragraph 0004].

*Claim 18:* Yup et al. discloses an apparatus for performing cryptographic operations, comprising:

- a. a cryptography unit within a device, configured to execute one of the cryptographic operations responsive to receipt of a cryptographic instruction within an instruction flow that prescribes said one of the cryptographic operations, wherein said cryptographic instruction also prescribes a block size to be employed when executing said one of the cryptographic

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operations(*AES block cipher can be performed on 128-bit, 192-bit or 256-bit blocks*) [page 4, paragraph 0045];

b. and block size logic(*key expansion block*), operatively coupled within said cryptography unit, configured to direct said device to employ said block size when performing said one of the cryptographic operations [page 3, paragraph 0028].

*Claims 19-21:* Yup et al. discloses an apparatus as in claim 18 above and further discloses that said block size comprises 128-bits, 192-bits or 256-bits [page 4, paragraph 0045].

*Claim 22:* Yup et al. discloses an apparatus as in claim 18 above and further discloses that said one of the cryptographic operations is executed according to the Advanced Encryption Standard (AES) algorithm [page 2, paragraph 0016].

*Claim 23:* Yup et al. discloses an apparatus as in claim 18 above and further discloses that said block size logic(*key expansion block*) is configured to interpret a data block size field(*nb = block size*) within a control word which is referenced by said cryptographic instruction [page 3, paragraph 0028].

*Claim 25:* Yup et al. discloses a method for performing cryptographic operations in a device, the method comprising:

a. receiving a cryptographic instruction that prescribes employment of particular block size during execution of one of a plurality of cryptographic operations(*AES block cipher can be performed on 128-bit, 192-bit or 256-bit blocks*) [page 4, paragraph 0045];

b. and employing the data block size(*key expansion block uses "nb", the block size, to generate a round key*) when executing the one of the cryptographic operations [page 3, paragraphs 0028-0035].

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*Claim 26:* Yup et al. discloses a method as in claim 25 above and further discloses that said receiving comprises via a field(*nb = block size*) within a control word that is referenced by the cryptographic instruction, specifying the particular block size [page 3, paragraph 0028].

*Claims 27-29:* Yup et al. discloses a method as in claim 26 above and further discloses that said specifying comprises prescribing 128 bits, 192 bits or 256 bits as the particular block size [page 4, paragraph 0045].

*Claim 30:* Yup et al. discloses a method as in claim 25 above and further discloses that said employing comprises executing the one of the cryptographic operations according to the Advanced Encryption Standard (AES) algorithm [page 2, paragraph 0016].

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9, 13, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yup et al. (2002/0191784).

*Claims 9, 24 and 31:* Yup et al. discloses a method as in claims 1, 18 and 25 above, but does not explicitly disclose that said receiving comprises prescribing the cryptographic instruction according to the x86 instruction format. However, it would have been obvious to one of ordinary skill in the art at the time of invention to create the instructions in x86 format or any other

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format. One would have been motivated to do so in order to conform to the type of platform selected for implementation of the encryption/decryption device.

*Claim 13:* Yup et al. discloses an apparatus as in claim 10 above, but does not explicitly disclose that said plurality of registers comprises a third register, wherein contents of said third register indicate a number of blocks(*channels*) within a plurality of input text blocks(*plurality of channels*), wherein said plurality of input text blocks are sized according to said one of a plurality of data block sizes [page 2, paragraph 0016]. However, it would have been obvious to one of ordinary skill in the art at the time of invention to store the number of blocks being encrypted or decrypted. One would have been motivated to do so in order recognize when the entire encryption or decryption process is complete.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Verbauwhede (2003/0202658), Zakiya (2001/0050989), Feldman et al. (2004/0047466) and Kim (6,246,768).

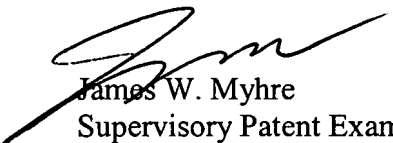
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Zee whose telephone number is (571) 270-1686. The examiner can normally be reached on Monday through Thursday 6:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EZ  
May 20, 2007



James W. Myhre  
Supervisory Patent Examiner

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